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dba CIB FUNDING

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

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LOWELL LABERTEW, an individual; and SANDRA LABERTEW, an individual, Plaintiffs, vs. C&R FINANCIAL INC., an entity of unknown form; GOLDEN EMPIRE MORTGAGE, INC., dba CIB FUNDING, a California Corporation; RAYMOND JACOB ROSKOWICZ, an individual; RICK WILKES, an individual; BEVERLEE WILKES, an individual; and DOES 1-10, inclusive, Defendants. ______________________________ AND RELATED CROSS-ACTIONS ______________________________	**CASE NO. 07CV2092W (LSP)** *Complaint filed 10/31/07* *Trial Date: Not Set* **ANSWER TO CROSS-COMPLAINT** **[DEMAND FOR JURY TRAIL]**

COMES NOW cross-defendant, GOLDEN EMPIRE MORTGAGE, INC., a California Corporation doing business as CIB FUNDING, appearing for itself and no others, and in answer to defendantsô and cross-complainantsô Cross-Complaint on file herein, admits, denies, and alleges as follows:

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ADMISSIONS AND DENIALS

Answering Paragraph 1 of the Cross-Complaint, this answering cross-defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraph, and on that basis, denies each and every allegation contained therein.

Answering Paragraph 2 of the Cross-Complaint, this answering cross-defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraph, and on that basis, denies each and every allegation contained therein.

Answering Paragraph 3 of the Cross-Complaint, this answering cross-defendant admits each and every allegation contained therein.

Answering Paragraph 4 of the Cross-Complaint, this answering cross-defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraph, and on that basis, denies each and every allegation contained therein.

Answering Paragraph 5 of the Cross-Complaint, this answering cross-defendant admits that it at one time employed RAYMOND JACOB ROSZKOWICZ, but denies that RAYMOND JACOB ROSZKOWICZ is still employed by this answering cross-defendant. This answering cross-defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in said paragraph, and on that basis, denies each and every allegation contained therein.

Answering Paragraph 6 of the Cross-Complaint, this answering cross-defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraph, and on that basis, denies each and every allegation contained therein.

Answering Paragraph 7 of the Cross-Complaint, this answering cross-defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraph, and on that basis, denies each and every allegation contained therein.

Answering Paragraph 8 of the Cross-Complaint, this answering cross-defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraph, and on that basis, denies each and every allegation contained therein.

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Answering Paragraph 9 of the First Amended Complaint, this answering cross-defendant denies that it acted in such capacity on behalf of any other defendant, or that any other defendant acted in such capacity on this answering defendantǒs behalf. This answering defendant specifically denies that defendant, RAYMOND JACOB ROSZKOWICZ, was acting in such capacity for this answering defendant.

Answering Paragraph 10 of the Cross-Complaint, this answering cross-defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraph, and on that basis, denies each and every allegation contained therein.

Answering Paragraphs 11 through 23 of the Cross-Complaint, this answering cross-defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs, and on that basis, denies each and every allegation contained therein.

Answering Paragraph 24 through 28 of the Cross-Complaint, this answering cross-defendant denies that it undertook, or omitted to take, the actions alleged therein, either independently or in connection with any other defendant. As to the remainder of the allegations of this paragraph, this answering defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraph, and on that basis, denies such allegations contained therein.

Answering Paragraph 29 through 34 of the First Cause of Action of the Cross-Complaint, this answering cross-defendant denies that it undertook, or omitted to take, the actions alleged therein, either independently or in connection with any other defendant. As to the remainder of the allegations of this paragraph, this answering defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraph, and on that basis, denies such allegations contained therein.

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Answering Paragraph 35 through 40 of the Second Cause of Action of the Cross-Complaint, this answering cross-defendant denies that it undertook, or omitted to take, the actions alleged therein, either independently or in connection with any other defendant. As to the remainder of the allegations of this paragraph, this answering defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraph, and on that basis, denies such allegations contained therein.

Answering Paragraph 41 through 46 of the Third Cause of Action of the Cross-Complaint, this answering cross-defendant denies that it undertook, or omitted to take, the actions alleged therein, either independently or in connection with any other defendant. As to the remainder of the allegations of this paragraph, this answering defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraph, and on that basis, denies such allegations contained therein.

Answering Paragraph 47 through 54 of the Fourth Cause of Action of the Cross-Complaint, this answering cross-defendant denies that it undertook, or omitted to take, the actions alleged therein, either independently or in connection with any other defendant. As to the remainder of the allegations of this paragraph, this answering defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraph, and on that basis, denies such allegations contained therein.

Answering Paragraph 55 through 59 of the Fifth Cause of Action of the Cross-Complaint, this answering cross-defendant denies that it undertook, or omitted to take, the actions alleged therein, either independently or in connection with any other defendant. As to the remainder of the allegations of this paragraph, this answering defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraph, and on that basis, denies such allegations contained therein.

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Answering Paragraph 60 through 62 of the Sixth Cause of Action of the Cross-Complaint, this answering cross-defendant denies that it undertook, or omitted to take, the actions alleged therein, either independently or in connection with any other defendant. As to the remainder of the allegations of this paragraph, this answering defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraph, and on that basis, denies such allegations contained therein.

Answering Paragraph 63 through 64 of the Seventh Cause of Action of the Cross-Complaint, this answering cross-defendant denies that it undertook, or omitted to take, the actions alleged therein, either independently or in connection with any other defendant. As to the remainder of the allegations of this paragraph, this answering defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraph, and on that basis, denies such allegations contained therein.

Answering Paragraph 65 through 70 of the Eighth Cause of Action of the Cross-Complaint, this answering cross-defendant denies that it undertook, or omitted to take, the actions alleged therein, either independently or in connection with any other defendant. As to the remainder of the allegations of this paragraph, this answering defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraph, and on that basis, denies such allegations contained therein.

AFFIRMATIVE DEFENSES

AS AND FOR A FIRST AFFIRMATIVE DEFENSE to each and every alleged cause of action, this answering cross-defendant alleges that cross-complainantsôCross-Complaint, and each cause of action therein contained, fails to state facts sufficient to constitute a cause of action as against this answering cross-defendant.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE to each and every alleged cause of action, this answering cross-defendant alleges cross-defendant acted in good faith in all matters and things alleged in the Cross-Complaint so as to bar or reduce recovery herein.

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AS AND FOR A THIRD AFFIRMATIVE DEFENSE to each and every alleged cause of action, this answering cross-defendant alleges cross-complainantsô, and each of them, consented to the matters and things alleged in the Cross-Complaint as a matter of informed consent and are barred by the doctrine of consent.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE to each and every cause of action herein, this answering cross-defendant alleges that with reference to the matters set forth in the Cross-Complaint herein, the hands of the cross-complainantsô, and each of them, are unclean so as to bar or reduce recovery herein.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE to each and every alleged cause of action, this answering cross-defendant alleges that cross-complainantsô Cross-Complaint, and each alleged cause of action therein, is barred by the applicable statute of limitations.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE to each and every alleged cause of action, this answering cross-defendant alleges that cross-complainantsô failed to perform satisfactorily under the agreements alleged in the Cross-Complaint.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE to each and every alleged cause of action, this answering cross-defendant alleges there was a failure of consideration under the agreements alleged in the Cross-Complaint.

AS AND FOR A EIGHTH AFFIRMATIVE DEFENSE to each and every alleged cause of action, this answering cross-defendant alleges that this defendantôs acts or omissions, if any, in reference to the matters and things alleged in the Cross-Complaint, were unintentional so as to bar or reduce recovery herein.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE to each and every alleged cause of action, this answering cross-defendant alleges that cross-complainantsô herein failed to mitigate their damages so as to bar or reduce recovery herein.

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AS AND FOR A TENTH AFFIRMATIVE DEFENSE to each and every alleged cause of action, this answering cross-defendant alleges that if, and to the extent that this answering defendant may be entitled to further defenses of which they are presently unaware, and this answering cross-defendant reserves the right to amend this Answer to plead such additional and further affirmative defense as such legal issues become apparent to the defenses be come known.

WHEREFORE, this answering cross-defendant prays for judgment in its favor, for costs and fees incurred in defending this suit and for such other and further relief as the Court may deem just and proper.

DEMAND FOR FURY TRIAL

Defendant, GOLDEN EMPIRE MORTGAGE, INC., a California Corporation doing business as CIB FUNDING, hereby demands a jury trial pursuant to *Federal Rules of Civil Procedure, Rule 38(a)*.

DATED: March 26, 2008

CLIFFORD & BROWN

By /s/ JEREMY J. SCHROEDER
ARNOLD J. ANCHORDOQUY, ESQ.
JEREMY J. SCHROEDER, ESQ.
Attorneys for Defendant & Cross-Defendant,
GOLDEN EMPIRE MORTGAGE, INC., dba
CIB FUNDING